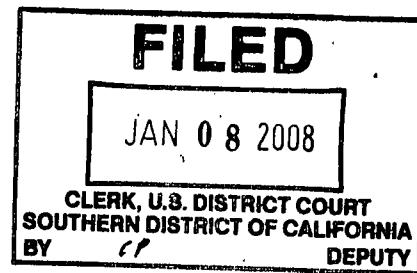


1 **ROCKWOOD & NOZISKA, L.L.P.**
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5 5060 North Harbor Drive, Suite 255
6 San Diego, California 92106
7 Phone: (619) 224-7778 Fax (619) 224-7779



5 Attorneys for Plaintiffs
6
7

“VIA FAX”

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 **SAN DIEGO DIVISION**

11 1800 SOUTH MAPLE STREET, LLC, a) CASE NO. 07-CV-2030 JM (NLS)
12 California Limited Liability Company;)
13 RALPH J. GIANNELLA, an individual;)
14 GIANNELLA PROPERTIES, INC., a) DECLARATION OF CHARLES L.
15 California Corporation; WILLIAM G.) FANNING IN SUPPORT OF
16 AYYAD, an individual; WILLIAM G.) PLAINTIFFS' EX PARTE MOTION FOR
17 AYYAD, INC., a California Corporation; and) APPROVAL OF EQUIPMENT FOR
18 PREMIER COMMUNITIES, LLC, a) EARLY NEUTRAL EVALUATION
19 California Limited Liability Company.) CONFERENCE SET FOR JANUARY 10,
20) 2008
21)
22)
23)
24)
25)

Plaintiffs,

) Action Filed: September 10, 2007

v.

ALLIED PROPERTY AND CASUALTY)
INSURANCE COMPANY, an Iowa)
Corporation; AMCO INSURANCE)
COMPANY, an Iowa Corporation;)
NATIONWIDE MUTUAL INSURANCE)
COMPANY, an Ohio Corporation, and DOES)
1 through 100, inclusive,)

Defendants.

I, Charles L. Fanning, declare:

1. I am an attorney with the law firm of Rockwood & Noziska, LLP and an attorney
2 of record for Plaintiff's 1800 SOUTH MAPLE STREET, LLC, RALPH J. GIANNELLA,

DECLARATION

1 GIANNELLA PROPERTIES, INC., WILLIAM G. AYYAD, WILLIAM G. AYYAD, INC, and
2 PREMIER COMMUNITIES, LLC. I have personal knowledge of the facts attested to herein,
3 and if called as a witness, I am competent to testify under oath thereto.

4 1. In order to promote an early resolution of this matter and foster an active
5 discussion between the attorneys, parties, and settlement judge, Plaintiffs have prepared a short
6 multimedia presentation.

7 2. Pursuant to CivLR 83.3(h), all parties were put on notice of this ex parte
8 application on January 8, 2008, via facsimile.

9 3. Attached to this declaration as Exhibit "A," is a true and correct copy of the
10 January 8, 2008 correspondence from Charles Fanning giving notice to all parties of the ex parte
11 application and a fax transmittal report of same.

12 4. On January 8, 2008, I was informed by the clerk of Hon. Judge Nita Stormes's
13 department that a personal appearance is not necessary regarding this ex parte application.
14

15 I declare under penalty of perjury and the laws of the State of California, that the
16 foregoing is true and correct and that this declaration is executed on January 8, 2008, at San
17 Diego, California.


Charles L. Fanning IV

ROCKWOOD & NUZASKA, LLP
5060 North Harbor Drive, Suite 255
San Diego, California 92106
(619) 224-7778 FAX (619) 224-7779

28

DECLARATION

EXHIBIT A



Rockwood & Noziska LLP
ATTORNEYS AT LAW

5060 North Harbor Drive, Suite 255
San Diego, CA 92106

Writer's Email:
fanning@rockwood-noziska.com

Phone: 619.224.7778

Fax: 619.224.7779

E-mail: info@rockwood-noziska.com

January 8, 2008

VIA FACSIMILE ONLY

Howard M. Garfield, Esq.
Long & Levit LLP
465 California, Suite 500
San Francisco, CA 94104
Facsimile: 415.397.6392.

Re: 1800 South Maple et al. v. Allied Property and Casualty, et al.
Our File No.: 1026.02

Dear Counsel:

Pursuant to CivLR 83.3(h), please accept this correspondence as notice of our ex parte motion to the court requesting permission to use electronic equipment during the Early Neutral Evaluation conference set for January 10, 2008.

If you have any questions, please call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Chris L. Fanning, IV". A large, roughly circular, hand-drawn mark or stamp is positioned to the right of the signature.

CHARLES L. FANNING, IV

CLF/cka

Transaction Report

Send

Transaction(s) completed

No.	TX Date/Time	Destination	Duration	P. #	Result	Mode
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Rockwood & Noziska LLP

ATTORNEYS AT LAW

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C. Brant Noziska, APC

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Phone: 619.224.7778
Fax: 619.224.7779

FAX TRANSMITTAL

DATE:	January 8, 2008	FILE NO:	
SENDER:	Charles Fanning, IV, Esq	NO. PAGES:	2
(Including this form)			
Any problems with this fax transmission, please call (619) 224-7778 and ask for Cindy			

TO:	PHONE NUMBER:	FAX NUMBER:
Howard M. Garfield		415.397.6392

DESCRIPTION OF DOCUMENT TRANSMITTED/INSTRUCTIONS:

Correspondence from Charles L. Fanning, IV, Esq., dated January 8, 2008

ORIGINAL WILL BE SENT VIA:

- MAIL MESSENGER LEXISNEXIS FILE & SERVE
 E-MAIL FEDERAL EXPRESS WILL NOT BE SENT

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